IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 3590 2004

Between:

L.S.Sivaji Rao, S/o Late L.Swamy Rao,
Vittal plaza shopping Complex, Anantapur. ..... PETITIONER

AND

1 Authorised officer-cum-Branch Manager, State Bank of India,
Kallur Branch, Garladinne Mandal, Anantapur District.
2 Union of India, rep. by its Secretary, Ministry of Finance (Banking

Division), Jeevandeep Building, Sansad Marg, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more especially one in the nature of writ of Mandamus or any other appropriate direction, declaring the impugned notice bearing dated 9-2-2004 issued by the first respondent under provisions of sec.13 (2) of the Securitization and Reconstruction of Financial Assets and Enforcement of security Interest Act 2002 as illegal, arbitrary, violative of principles of natural justice and also violative of the basic principles of rule of law and fundamental rights guaranteed under Constitution of India and set aside the same as the said provisions of section 13(2), 13 (4), 17 and 37 of the Act ultra virus arbitrary,

capricious, violative of principles of natural justice and unconstitutional.

Counsel for the Petitioner : Mr.K.SURESH REDDY

Counsel for Respondent No.1: MR.K.SRINIVASAMURTHY (SC FOR SBI)

Counsel for Respondent No.2: Mr.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

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ORAL ORDER (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason, the relief prayed for cannot be granted. Writ petition is therefore, dismissed. No costs.

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DEVINDER GUPTA, CJ

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C.V.RAMULU, J

Date: 14.9.2004

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To

1 The Authorised officer-cum-Branch Manager, State Bank of India, Kallur Branch, Garladinne Mandal, Anantapur District.
2 The Secretary, Union of India, Ministry of Finance (Banking

Division), Jeevandeep Building, Sansad Marg, New Delhi.

3 Two CD copies.